

## REMARKS

### In the Drawings:

The Examiner objected to the drawings for failing to comply with 37 CFR §1.84(p)(5), because Figure 1 included reference number "114" which was not mentioned in the description. Applicants have amended Paragraph number 47 to include a description of reference number "114." Figure 1 and reference number 114 were part of the original application. Applicants have amended Paragraph number 47 to include language corresponding to what is shown in Figure 1. Accordingly, Applicants respectfully request that the Examiner withdraw the objection under 37 CFR 1.84(p)(5).

Additionally, the drawings were objected to under 37 CFR §1.84(1). Applicants submit herewith, in a Submission of Formal Drawings correspondence, replacement drawings. The replacement drawings are simply formal drawings of the drawings originally filed with the patent application. The replacement drawings do not include any new matter. Applicants believe that the submission of the replacement drawings obviate the objection under 37 CFR §1.84(1). Accordingly, Applicants respectfully request that the Examiner withdraw the objection to the drawings.

### In the Specification:

As mentioned above with regard to the drawings, the specification is amended at Paragraph number 47.

### In the Claims

Claims 12 – 20 are pending in this application. In view of the following remarks, Applicants respectfully request reconsideration of this application.

#### **Rejection of Claims 14 – 17 under 35 U.S.C. § 112, second paragraph**

Claims 14 – 17 stand rejected under 35 U.S.C. § 112, second paragraph, because "the gasified liquid waste" in claim 14 lacked an antecedent basis. Claim 14 has been amended to correct this lack of antecedent basis. Applicants submit that

the correction places claims 14 – 17 in condition for allowance, and the Applicants respectfully request reconsideration of these claims.

**Rejection of Claims 12 – 20 under 35 U.S.C. § 102(b)**

Claims 12 – 20 stand rejected under 35 U.S.C. § 102(b) based on a sale of the invention. In the Office Action, it was noted that **Reference C2 cited on the information disclosure statement filed November 10, 2004** (hereinafter “Reference C2”), which was quoted to have a disclosure date in Taiwan in September 2002, fails to have a specific (month and day) disclosure date. Nevertheless, for purposes of the Office Action, the Reference C2 was considered to be prior art.

The Applicants make no admissions with respect to whether or not the Reference C2 is, in fact, “prior art.” Furthermore, the Applicants do not waive the right to contest that the Reference C2 is “prior art.” Finally, the Applicants make no admissions with respect to whether or not the teachings of the Reference C2 are combinable with other references or whether any such combination would render obvious the claimed subject matter. For the purpose of this Office Action, however, the Applicants wish to address Reference C2 on the merits for what it does and does not disclose.

In rejecting claims 12 – 20, the Office Action sets forth that the Reference C2 discloses the subject matter of the pending application. Independent claims 12 and 18, as amended, recite atomizing liquid waste. Reference C2 does not disclose atomizing liquid waste. Reference C2 instead discloses treatment of solid waste. Accordingly, the subject matter of the pending application was not on sale more than one year prior to the filing of the current application. For at least this reason, the Applicants respectfully request that the rejection of claims 12 – 20 under 35 U.S.C. §102(b), in light of Reference C2, be withdrawn.

**Rejection of Claims 12, 13, and 18 under 35 U.S.C. § 102(b)**

Claims 12, 13, and 18 stand rejected under 35 U.S.C. §102 (b) as being anticipated by the *Plasma Sources Sci. Technol.* article entitled “Some plasma environmental technologies developed in Russia,” by Rutberg, published August 2002 (reference W on the included PTO-892, hereinafter “Rutberg 2002”). Independent claims 12 and 18, as amended, recite atomizing liquid waste. Rutberg

2002 does not disclose atomizing liquid waste. Rutberg 2002 discloses that “[i]gnition of liquid waste in the primary furnace is realized with the help of a twisted plasma jet from the plasma generator (3)....” (p. A163, last full paragraph). While Rutberg 2002 discloses that the liquid waste is introduced to a plasma jet, it fails to disclose atomizing the liquid waste prior to that introduction. As a result, Rutberg 2002 fails to disclose every limitation of independent claims 12 and 18. Claim 13 depends from claim 12 and therefore likewise includes the atomizing limitation. For at least the above reason, claims 12, 13, and 18, as amended, are patentable over Rutberg 2002, and the Applicants respectfully request that the rejection be withdrawn.

**Rejection of Claims 14 – 16 under 35 U.S.C. § 102(b) or alternatively under 35 U.S.C. § 103(a)**

Claims 14 – 16 stand rejected under 35 U.S.C. § 102(b) as anticipated by or in the alternative, under 35 U.S.C. § 103(a) as obvious over Rutberg 2002. Claims 14 – 16 depend from claim 12. As mentioned above, claim 12 recites atomizing liquid waste which is not disclosed in Rutberg 2002. Accordingly, claims 14 – 16 likewise include this limitation and are therefore patentable over Rutberg 2002. Therefore, for at least this reason, the Applicants respectfully request that this rejection be withdrawn.

**Rejection of Claim 17 under 35 U.S.C. § 103(a)**

Claim 17 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Rutberg 2002. Claim 17 depends from, among other claims, claim 12. Because Rutberg 2002 fails to disclose atomizing liquid waste, which is recited in claim 12, the Applicants submit that every limitation of claim 17 is not disclosed or rendered obvious by one skilled in the art. For at least this reason, the Applicants believe that claim 17 is patentable over Rutberg 2002, and respectfully request that this rejection be withdrawn.

**Rejection of Claims 19 and 20 under 35 U.S.C. § 103(a)**

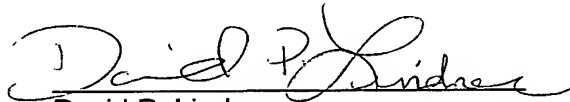
Claims 19 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rutberg 2002 in view of WO 01/92784 (hereinafter “WO '784”). Independent claim 18, as amended, and dependent claim 19 recite atomizing liquid

waste. As previously mentioned, Rutberg 2002 fails to disclose atomizing liquid waste. Similarly, WO '784 fails to disclose atomizing liquid waste. WO '784 discloses processing liquid waste where the "liquid waste flow[s] from the inlet into said chamber...." (WO '784, p. 6, line 14; p. 7, line 21; p.10, line 20; p. 14, lines 24 – 25; p. 16, line 24 – p. 17, line 1). Introducing atomized liquid waste into the chamber is different than introducing it through a flowing process. Therefore, Rutberg 2002 and WO '784, alone or in combination, fail to disclose the subject matter of claims 19 and 20. For at least this reason, the Applicants respectfully request that this rejection be withdrawn.

### SUMMARY

In view of the remarks, Applicants respectfully submit that all of the pending claims are in condition for allowance. If, for any reason, the Examiner believes that the claims are not in condition for allowance, the undersigned attorney can be reached at (312) 222-8123 to resolve any remaining issues.

Respectfully submitted,



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